

GOVERNMENT OF TELANGANA
ABSTRACT

Tribal Welfare Department - Khammam District - Revision Petition filed by Sri Puvvada Suryanarayana, S/o Pedanarasimha Rao R/o Udaya Bhaskar Road, Bhadrachalam aggrieved by the orders of the Additional Agent to Government, Bhadrachalam in CMA No. 236/2007 dated 21.6.2008 - Rejected - Orders - Issued.

TRIBAL WELFARE (LTR) DEPARTMENT

G.O.Ms.No. 35

Dated: 01-10-2018,
Read the following:-

- 1)Revision Petition filed by Sri Puvvada Suryanarayana, S/o Pedanarasimha Rao R/o Udaya Bhaskar Road, Bhadrachalam Dt: 02-10-2008.
 - 2)Govt.Memo.No.7912/LTR.2/2008, dated 04.12.2008.
 - 3)Orders of the Hon'ble High Court in W.P.No. 22570 of 2008 dated 17.10.2008 filed by Sri Puvvada Suryanarayana, S/o Pedanarasimha Rao R/o Udaya Bhaskar Road, Bhadrachalam.
 - 4)From the Additional Agent to Government, Bhadrachalam, Lr.RP.No.7912/LTR.2/08 (CMA No.236/2007)dated 22.04.2009
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ORDER

In the reference 1st read above, Sri Puvvada Suryanarayana, S/o Pedanarasimha Rao R/o Udaya Bhaskar Road, Bhadrachalam has filed Revision Petition before the Government aggrieved by the orders of the Additional Agent to Government, Bhadrachalam in CMA No. 236/2007 dated 21.6.2008 in respect of land to an extent of Acres 2.95 gts in Sy.No.44 of Bhadrachalam(V&M) Khammam District.

2. In the reference 2nd read above, the Project Officer & Additional Agent to Government, Bhadrachalam was requested to furnish Para Wise Remarks and connected case records and in the reference 4th read above the Additional Agent to Government, Bhadrachalam has furnished Para Wise Remarks and connected case records.

3. The Main grounds of the case are as follows:

- The impugned orders under Revision are contrary to law and probabilities of the case.
- Both the authorities absolutely failed to release the important issue that unless the immovable property was transferred contrary to Section 3 of the Andhra Pradesh (Scheduled Areas) Land Transfer Regulation 1 of 1970, the question of initiating Land Transfer Regulation proceedings does not arise. In the instant case, though there is no violation of Section 3 of the Andhra Pradesh (Scheduled Areas) Land Transfer Regulation 1 of 1970 and when the registered will deed was produced for succeeding the property in question, the authorities dis-believed the same and the same is arbitrary and illegal.
- Once the transfer is effected within the parameters of Section 3 of the Andhra Pradesh (Scheduled Areas) Land Transfer Regulation 1 of 1970, the validity or otherwise of such will cannot be canvassed or come into by the authorities constituted under Regulations and the Honorable High Court also in this regard categorically held and therefore, the entire orders passed by both the authorities are arbitrary and illegal.
- Both the authorities without there being any specific evidence and without giving any specific finding, proceeded for passing Ejectment orders and the same is arbitrary and illegal.
- Both the authorities came to the conclusion that the Revision Petitioner transferred the land in favour of the unofficial respondent No.4 non-tribe and to come to such finding, there is no evidence and basis and in the absence of any transaction in this regard, the question of restoration of possession of the land in question in favour of 4th respondent Mr. Thoudichetty Rajeswara Rao does not arise and the finding given in this regard are bad under law.
- Both the lower authorities in spite of filing counter affidavits by the other non-tribe who is the 4th respondent Mr. Thoudichetty Rajeswara Rao, that he never purchased or in occupation of the said land in question, but on presumption the authorities passed orders presuming that the transfer of the land has taken place and the said finding is arbitrary and illegal.

4. The remarks of the Additional Agent to Government, Bhadrachalam on the Revision Petition are as under:

- Originally a Land Transfer Regulation Case No.11/04 was initiated by the Tahsildar, Bhadrachalam (3rd Respondent herein) against the Revision Petitioner and also Mr. Thoudichetty Rajeswara Rao (4th Respondent herein). As seen from the Land Transfer Regulation case order one Yelisettin Naga Bhushanam is the Pattadar and Revision Petitioner acquired the land by way of will deed from Yelisetti Naga Bhushanam. But the Revision Petitioner and the Land Transfer Regulation here in not filed any document before the Agency Divisional Officer, Bhadrachalam therein. Against the said order the Revision petitioner here in filed a CMA 236/07 before the Additional Agent to Government here in. As per the recorded evidence available the Additional Agent to Government here in also passed orders.
- The Additional Agent to Governemnt, Bhadrachalam clearly stated in his order that Revision Petitioner is claiming the schedule land through a will dated 24.12.1988. The said will reveals that there are number of successors to succeed the property of Late Naga Bhushanam. And along with the Revision Petitioner property was given to another Non-Tribal Sri R.Rama Swamy also. When there are number of relatives are existing there is no necessity for Naga Bhushanam to execute a will in favour of another Non-Tribals including Revision Petitioner. The said will dated 24.12.1988 is created to over come the regulation. Hence this court does not believe the version of the Revision Petitioner.
- Mr. Thoudichetty Rajeswara Rao herein who is actual purchased the land from the Revision Petitioner naturally deny the sale. The title of Revision Petitioner over the land is not believable as explained above. As such the transaction is violated under Land Transfer Regulation 1/59 as amended by 1/70.

5. Government after conducting hearings and after careful examination of the Revision Petition and as verified from the documents produced before the authority as well as before the Additional Agent to Government, Bhadrachalam it is observed that;

- The Revision Petition filed against the order of Additional Agent to Government, Bhadrachalam in CMA No.236/2007 dt 21.06.2008. Revision Petitioner claims that there is no transfer of property involved and that he got the land from original owner through a Registered will deed. In support of his claim he filed written arguments. According to him the property originally belongs to Sri Yelisetty Nagabhushanam S/o Ramaiah R/o Bhadrachalam. Sri Yelisetty Nagabhushanam got the property through settlement patta and that he executed a will deed No.9/1988 dt 24.12.1988 in favour of Sri Puvvada Suryanarayana S/o Peda Narsimha Rao for providing medical services at fag end of his life.
- As per the will deed produced by Revision Petition Sri Yelishetti Nagabhushanam is having living wife and three daughters. He has given the land to the Revision Petitioner for the medical services rendered his tail end or life. The version of Revision Petitioner is far from truths. When the owner is having wife and children, it is not possible to give away prime land for the medical services rendered at his tail end of life. It is clear that throughout his life he got medical treatment through his family members, but only at the tail end of life he took the medical care from the Revision Petitioner for which he executed will deed in his favour. The Revision Petitioner has no blood relation with the owner of the land. Since the land is located in Scheduled area to overcome the problem of Land Transfer Regulation he got the will deed. When the pattedar is having wife and children he can make payment for the medical services rendered. Hence the claim of the Revision Petitioner is not acceptable.

6. Government after careful examination of the matter hereby rejects the Revision Petition of Sri Puvvada Suryanarayana, S/o Pedanarasimha Rao R/o Udaya Bhaskar Road, Bhadrachalam and upholds the orders of the Additional Agent to Government and Project Officer, ITDA, Bhadrachalam in CMA No. 236/2007 dated 21.6.2008 in respect of land to an extent of Acres 2.95 gts in Sy.No.44 of Bhadrachalam(V&M), erstwhile Khammam District.

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7. The Additional Agent to Government and Project Officer, ITDA, Bhadrachalam, Bhadradi Kothagudem District shall take necessary further action accordingly. The original case records received in the reference 4th read above are returned herewith.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)

BENHUR MAHESH DUTT EKKA,
SECRETARY TO GOVERNMENT

To

1) Sri Puvvada Suryanarayana, S/o Pedanarasimha Rao
R/o Udaya Bhaskar Road, Bhadrachalam.

2) Sri Twodisetty Rajeswara Rao S/o Venkateswarlu
R/o Bhadrachalam Khammam District.

3) The Project Officer, ITDA and Additional Agent to Government,
Bhadrachalam, Bhadradi Kothagudem District (w.e.)

Copy to :

The Special Deputy Collector(TW), Bhadrachalam, Khammam District.
for information and necessary action.

The Tahsildar, Bhadrachalam, Khammam District for necessary action.

Sri P.V.Ramana and K.Sarath, Advocate
Flat.No.1, Banjara Sangeet Apartments,
Kapadia Lane, Hyderabad 500 082.

P.S to M(TW)/P.S. to Secretary(TW)

SF/SC

// FORWARDED:: BY ORDER //

SECTION OFFICER